THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.9649 of 2000

DATED: 20.06.2007

Between:

Amuluru Audisesha Reddy.

.. Petitioner

And

The State of Andhra Pradesh,
rep. by the Secretary,
Revenue (Land Reforms) Department,
Secretariat Buildings, Hyderabad,
and others. .. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.9649 of 2000

ORDER:

In this writ petition, the petitioner seeks a Writ of Mandamus directing the respondents to assess and pay compensation for 153 Palmyra trees and 130 Cashewnut trees situated on the lands surrendered by him under the A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act') with interest at 15% as held by the Division Bench of this Court in W.A.No.483, 484 and 485 of 1994.

2. The case of the petitioner is that he gave a declaration as provided for under the Act, and the Land Reforms Tribunal, Nellore numbered the same as CC.No.1704/KVR/75, and as such, the Land Reforms Tribunal after holding enquiry, held that the petitioner is having excess land and accordingly directed him to surrender the land. Further, the petitioner stated that pursuant to the said orders passed by the Land Reforms Tribunal, he surrendered an extent of 49 acres of dry land and 3½ acres of wet land. However, as 153 Palmyra trees and 130 Cashewnut trees were in existence on the said lands surrendered by the petitioner, he filed an application before the Land Reforms Tribunal requesting it to pay the compensation, and the Land Reforms Tribunal appointed a Commissioner, who in turn inspected the said land and submitted his report to the Land Reforms Tribunal stating that there are fruit bearing Palmyra and Cashewnut trees on the lands of

the petitioner.

It is also submitted by the petitioner that though the Commissioner submitted the report with regard to the existence of the said trees on his lands, the respondents have not paid the said compensation, and hence, he approached this Court and filed the present writ petition.

3. In spite of the fact that notices were served, the respondents have not chosen to file any counter.

4. Now, the law is clear as held by the Division Bench of this Court in umpteen cases that the land alone is liable to be surrendered, and that the land owners are entitled for compensation, if fruit bearing trees are situated on their lands, which are surrendered to the Government.

5. Accordingly, this writ petition is allowed and the respondents are hereby directed to pay the compensation to the said 153 Palmyra trees and 130 Cashewnut trees existed on the lands surrendered by the petitioner with interest at 15% from the date of surrender till the date of payment. However, as it is an old matter of the year 1979, the respondents are hereby directed to pay the compensation to the petitioner at the earliest i.e., within a period of eight weeks from the date of receipt of a copy of this Order.

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(GOPALA KRISHNA TAMADA,J)

Dt.20.06.2007
v v